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WHITE & CASE LLP		PATEL, HARESH N
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NEW YORK, NY 10036

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/903,071	GROVE ET AL.
	Examiner	Art Unit
	Haresh Patel	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☒ Claim(s) *1-20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 July 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/29/2003*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-20 are subject to examination.

Priority

2.   Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the claimed limitations, for example, "content of every answer having a validity period", "authoritative name server", "timestamp expressing the moment in time at which the answer is issued", "item is mandatory", "item is optional", "matching pairs", "address match condition", "timestamp match condition", "service name match condition", "uniqueness condition", etc., are not disclosed in the provisional application; hence, applicant does not benefit the effective date as the provisional priority date.

Specification

3.   The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The present title is not sufficient for proper classification of the claimed subject matter.

The following title is suggested: "Instructing an ADNS server from LDNS servers according to clients need of application servers".

4.   The disclosure is objected to because of the following informalities:

a) several parts of the specification, for example, page 12, paragraph 41, line 5, contain link to the websites over the Internet, which is not allowed.

Appropriate correction is required.

Drawings

5.   New corrected drawings are required in this application because Figures 1-3, do not show

claimed invention, i.e., "steps for discovering associations between clients and local name

servers", "producing a query record concerning a query received by an authoritative name server

and the answer to that query said query", "an identifier of the application server that is the

answer to the query", "information defined for the identifier of said application server address",

"said application servers the union of their respective sets of application server addresses

comprises more than one member", "producing a request record concerning a service request

received by an application server", "finding one said query record and one said request record

and associating the address of the local name server from the query record of the client from the

request record", "content of every answer having a validity period", "authoritative name server",

"timestamp expressing the moment in time at which the answer is issued", "item is mandatory",

"item is optional", "matching pairs", "address match condition", "timestamp match condition",

"service name match condition", "uniqueness condition", "discovery and monitoring manager

maintaining a table of monitoring addresses currently engaged in said discovery process and is

able to instruct said name server monitors to be supplied in answers to queries from local name

servers undergoing said discovery process", etc. Applicant is advised to employ the services of a

competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no

longer prepares new drawings. A proposed drawing correction or corrected drawings are

required in reply to the Office action to avoid abandonment of the application. The amended

replacement drawing sheet should include all of the figures appearing on the immediate prior

version of the sheet, even if only one figure is being amended. The replacement sheet(s) should

be labeled --Replacement Sheet-- in the page header (as per 37 CFR 1.84(c)) so as not to obstruct

any portion of the drawing figures. If the examiner does not accept the changes, the applicant

will be notified and informed of any required corrective action in the next Office action. The

objection to the drawings will not be held in abeyance.

Information Disclosure Statement

6.   An initialed and dated copy of Applicant's IDS form 1449, paper 10/29/2003, is attached

to the instant Office action.

Claim Objections

7.   Claims 1-20 is objected to because of the following informalities:

Claim 1 mention,

a) "said local name server", which should be –said at least one local name server--.

b) "said application server", which should be –said at least one application server--.

c) "and of performing said service", which should be –and performing said service--.

d) "said service", which should be –said at least one service--.

e) "each said client", which should be –each said clients--.

f) "said local name server", which should be –said at least one local name server--.

g) "any said associated local name server", which should be –said at least one local name

server--.

h) "said associated local name server", which should be –said at least one local name

server--.

i) "that service", which should be –said at least one service--. .

j) "that application server", which should be –said at least one application server--.

k) "said authoritative name server", which should be –said at least one authoritative name

server--.

l) "that query", which should be –said query--.

m) "an identifier of the application server", which should be –an identifier of said at least

one application server--.

n) "an address of the local name server", which should be –an address of said at least one

local name server--.

o) "one said query record and one said request record", which should be –said query

record and said request record--.

p) "said condition (1), (2) and (3)", which should be –"said <u>conditions</u> (1), (2) and (3)--.

Further, claim 1, clearly states, "query record comprising at least some (<u>any two</u> items or

more) of the following information items", contrary to, which item (specific) is mandatory and

which item is not mandatory, hence, only one of these two conditions could apply to the query

record. Claim 1 also clearly states, "request record comprising at least some (<u>any two</u> items or

more) of the following information items", contrary to, which item (specific) is mandatory and

which item is not mandatory, hence, only one of these two conditions could apply to the request

record. Claim 1 also clearly states, "otherwise,", contrary to, a service name match condition that

requires that the service name from the query record match the service name, hence, only one of

these two conditions could apply to the service name match condition.

Claim 2 mention,

a) "said services", which should be –said at least one service--.

and similar limitations listed above.

Claim 3 mention,

a) "said queries", which should be –said query--.

and similar limitations listed above.

Claim 4 mention,

a) "said measurement records", which should be –said measurement record--.

and similar limitations listed above.

Claim 5 mention,

a) "the local name server", which should be –said at least one local name server--.

and similar limitations listed above.

Claims 6-8, 13, mention,

a) "said local name server", which should be –said at least one local name server--.

and similar limitations listed above.

Claim 9 mention,

a) "that application server", which should be –said particular application server--.

and similar limitations listed above.

Claims 10-12 mention,

a) "at least one said name server monitor", which should be –said at least one name

server monitor--.

Claims 14 and 15 mention,

a) "that local name server", which should be –said local name server --.

and similar limitations listed above.

Claims 16-18 mention,

a) "said local name servers", which should be –said at least one local name server --.

and similar limitations listed above.

Claims 19-20 mention,

a) "said local name server", which should be –said local name servers --.

and similar limitations listed above. Note: Examiner requests the applicant to correct

other limitations of all the claims, which the examiner might have overlooked and that have

similar limitations with the similar concerns as mentioned in this office action in order to

overcome the rejections).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8.   Claims 1, 2, 4, 5 and 9-19 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 1 recites the limitations, "said local name servers", "said services", "the content of every answer having a validity period", "the answer to that query", "the answer to the query", "the moment in time", "the identifier of said application server address", "the union of their respective sets of application servers", "the same in the query record", "the timestamp in the request record", "the service name from the query", "said condition (1), (2) and (3)", "the same as the request record of the first pair", "each said service has a distinct service name (only one exist)". There is insufficient antecedent basis for this limitation in the claim (Please see MPEP 706.03(d). as, only one, i.e., "at least one local name server", "at least one service", exist in the claim).

Claim 2 recites the limitations, "said matching pair of records", and similar limitations listed above. There is insufficient antecedent basis for this limitation in the claim (Please see MPEP 706.03(d)).

Claims 4, 5 recite the limitations, "said client" (multiple clients exist in the claim), and similar limitations listed above. There is insufficient antecedent basis for this limitation in the claim (Please see MPEP 706.03(d))

Claims 9-15, recite the limitations, "said name server monitors", and similar limitations listed above. There is insufficient antecedent basis for this limitation in the claim (Please see MPEP 706.03(d)).

Claims 16-19, recite the limitations, "said local name servers", and similar limitations listed above. There is insufficient antecedent basis for this limitation in the claim (Please see MPEP 706.03(d), note: Examiner requests the applicant to correct other limitations of all the

claims that have similar limitations with the similar concerns as mentioned in this office action in

order to overcome the rejections).

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.   Claims 9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Swildens et

al. 6,694,358, Speedera Networks Inc. (Hereinafter Swildens-Speedera-Networks).

11.   As per claim 9, Swildens-Speedera-Networks teaches a system <u>for</u> discovering

associations (e.g., col., 2, lines 40 – 64) between clients and local name servers (e.g., col., 2,

lines 23 – 38), comprising:

a name server monitor (e.g., col., 4, lines 45 – 63) being associated with a particular

authoritative name server (e.g. col., 2, lines 30 – 34) and producing query records with

information from queries (e.g., col., 5, lines 28 – 52) to that authoritative name server (e.g. col.,

2, lines 30 – 34) and from answers to said queries (e.g., col., 5, lines 28 – 52);

an application server monitor (e.g., col., 4, lines 45 – 63, figure 1) being associated with a

particular application server (e.g., col., 6, lines 22 – 48) and producing request records (e.g., col.,

6, lines 22 – 48) with information from service requests to that application server (e.g., col., 6,

lines 22 – 48);

a discovery and monitoring manager (e.g., col., 4, lines 45 – 63, col., 6, lines 50 – 64,

figure 1) collecting information gathered by at least some of said name server monitors (e.g.,

col., 4, lines 45 – 63, figure 1), and by at least some of said application server monitors (e.g.,

col., 4, lines 45 – 63, figure 1), and

discovering associations between clients and local name servers (e.g., col., 2, lines 40 –

64, col., 8, lines 36 - 52).

12.   As per claim 12, Swildens-Speedera-Networks teaches at least one application server

monitor also measures values of communication parameters for communications between its

associated application server and requesting clients (e.g., col., 3, lines 9 – 28, col., 8, lines 8 –

26);

at least one discovery and monitoring manager also calculates aggregate values of

communication parameters characterizing local name servers with regard to application servers

(e.g., col., 3, lines 9 – 28, col., 8, lines 8 – 26).

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

14.   Claims 1, 10, 11, 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Swildens-Speedera-Networks in view of Skene et al., 2001/0047415 (Hereafter Skene) and

"Official Notice".

15.   As per claim 1, Swildens-Speedera-Networks discloses the claimed limitations as

rejected above. Swildens-Speedera-Networks also discloses local name server being capable of

answering name-to-address resolution queries (e.g., col., 2, lines 23 – 38) by using temporally

stored information or by further querying other name servers (e.g. col., 2, lines 30 – 34),

        a plurality of clients (col., 4, lines 45 – 63, figure 1), each said client being associated

with said local name server col., 4, lines 45 – 63, figure 1), and being capable to query any said

associated local name server for the address of an application server providing a service with a

specified service name (e.g., col., 5, lines 28 – 52), to receive from said associated local name

server an answer specifying an address of one said application server (e.g., col., 5, lines 28 – 52),

and to send a request for that service to that application server (e.g., col., 6, lines 22 – 48), and

authoritative name server (e.g. col., 2, lines 30 – 34), being capable of answering name-to-

address resolution queries (e.g., col., 5, lines 28 – 52) from said local name servers (e.g., col., 2,

lines 23 – 38), about any of said services (e.g., col., 5, lines 28 – 52), the content of every answer

having information (e.g., col., 6, lines 22 – 48),

        a method for discovering associations (e.g., col., 2, lines 40 – 64) between clients and

local name servers (e.g., col., 2, lines 23 – 38), comprising the steps of:

        (A) producing a query record (e.g., col., 5, lines 28 – 52) concerning a query received by

an authoritative name server (e.g. col., 2, lines 30 – 34) and the answer to that query said query

record (e.g., col., 5, lines 28 – 52) comprising at least some of the following information items:

(q1) an identifier of the application server that is the answer to the query (e.g., col., 5, lines 28 – 52), (q2) a name of a service provided by the application server, (e.g., col., 4, lines 45 – 63) (q3) a timestamp expressing the moment in time at which the answer is issued, (e.g., col., 12, lines 43 – 63) (q4) information defined for the identifier of said application server address (e.g., col., 12, lines 2 – 18), and (q5) received, an address of the local name server from which the query is received (e.g., col., 12, lines 2 – 18), wherein said item (q1) is mandatory if for all said application servers the union of their respective sets of application server addresses comprises more than one member (e.g., col., 12, lines 19 – 43); said item (q2) is optional (e.g., col., 12, lines 19 – 43), said item (q3) is mandatory (e.g., col., 12, lines 19 – 43); said items (q4) is mandatory if said validity period may differ from one said answer to another (e.g., col., 12, lines 19 – 43), otherwise it is a predetermined constant value (e.g., col., 12, lines 3-13); and said item (q5) is mandatory (e.g., col., 12, lines 19 – 43);

(B) producing a request record (e.g., col., 6, lines 22 – 48) concerning a service request received by an application server (e.g., col., 6, lines 22 – 48), said request record comprising at least some of the following information items: (r1) an identifier of the application server at which the request is received, (e.g., col., 5, lines 28 – 52), (r2) a name of the service provided by the application server (e.g., col., 4, lines 45 – 63); (r3) a timestamp expressing the moment of time at which the request is received, (e.g., col., 12, lines 43 – 63) and (r4) an address of the client having issued the request (e.g., col., 12, lines 2 – 18); wherein said item (r1) is mandatory if for all said application servers the union of their respective sets of application server addresses comprises more than one member (e.g., col., 12, lines 19 – 43); said item (r2) is optional (e.g., col., 12, lines 19 – 43), and said items (r3) and (r4) are mandatory (e.g., col., 12, lines 19 – 43);

(C) finding one said query record and one said request record (e.g., col., 6, lines 22 – 48), and associating the address of the local name server from the query record of the client from the request record (e.g., col., 6, lines 22 – 48),

a timestamp match condition , (e.g., col., 12, lines 43 – 63) that requires the timestamp in the request record to express a moment of time (e.g., col., 12, lines 43 – 63) that is within said information starting at the moment of time expressed by the timestamp in the query record (e.g., col., 6, lines 22 – 48).

However, Swildens-Speedera-Networks does not specifically mention about a service name match condition that requires that the service name from the query record match the service name from the request record whenever both said records contain said service name item; otherwise, if at least one among said query record and said request record does not contain said service name item, then said service name match condition is considered to be satisfied; and

a uniqueness condition consisting in that no second pair of one query record and one request record be found to satisfy every said condition (1), (2) and (3) and to have the request record the same as the request record of the first pair, but the query record different from the query record of the first pair.

"Official Notice" is taken that both the concept and advantages of providing the service name match condition and the uniqueness condition as mentioned above is well known and expected in the art. For example, Herzog et al., 6,425,003, Cisco Technology discloses usage of these limitations, e.g., abstract, figures 3A-4, col., 4, lines 11 - 45. Ramanathan et al., Hewlett-Packard Company, discloses these limitations, e.g., figures 4, 7, 10-12, col., 31, lines 21 – 62.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the service name match condition and the uniqueness condition with the teachings of Swildens-Speedera-Networks and Skene in order to facilitate usage of the service name match condition and the uniqueness condition because the service name match condition would enhance supporting handling of the service using a server that can support the service upon verifying the condition. The uniqueness condition would enhance supporting handling of the query record using a server that can support the query record upon verifying the condition.

Swildens-Speedera-Networks also does not specifically mention about usage of a matching pair.

Skene discloses the usage of a matching pair to the address and a matching pair being defined as such first pair of one query record (e.g. paragraphs 61 and 68) and an address match condition that requires that the identifier of the application server be the same in the query record and in the request record of said first pair (e.g. paragraphs 61 and 68).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Swildens-Speedera-Networks with the teachings of Skene in order to facilitate usage of a matching pair because the matching pair would provide information of addresses of the devices for which associations are discovered. The address matching would enhance supporting assignment of server for the client in order to provide support for the client.

16.   As per claims 2 and 10, Swildens-Speedera-Networks discloses the claimed limitations as

rejected above. However, Swildens-Speedera-Networks does not specifically mention about two

sets of addresses.

Skene discloses limitations, application server is accessible on two disjoint and non-

empty sets of addresses (e.g., paragraph 50, figure 5), a first set of monitoring addresses for each

of which said request records are to be produced by the associated application server monitor

(e.g., figures 3 – 5, paragraph 35), and a second set of standard addresses, for which said request

records are not to be produced (e.g., paragraph 32);

said name server monitor is able to force its associated name server to answer queries

from local name servers with specified addresses of application servers (e.g., paragraphs 40 and

50);

discovery and monitoring manager maintains a table of monitoring addresses currently

engaged in said discovery process (e.g., paragraph 60), and is able to instruct said name server

monitors to be supplied in answers to queries from local name servers undergoing said discovery

process (e.g., paragraph 68).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Swildens-Speedera-Networks with the teachings of Skene

in order to facilitate two sets of addresses because the different set of addresses would enhance

determining devices based on the standard way of addressing scheme and another way of

addressing that includes assigning the addresses to the devices. The two sets of addresses would

help know which device is used for supporting communication support.

However, Swildens-Speedera-Networks and Skene do not specifically mention about

currently free addresses.

"Official Notice" is taken that both the concept and advantages of providing currently

free addresses is well known and expected in the art. For example, Gupta et al., 6,405,252

discloses usage of these limitations, e.g., col., 3, lines 1 – 36, figure 1.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to include currently free addresses with the teachings of Swildens-Speedera-Networks

and Skene in order to facilitate usage of currently freeing addresses because the freeing of

addresses would be utilized for new device that can be handled when necessary. The freeing of

addresses would enhance using the same address for another device.

17.   As per claims 3 and 11, Swildens-Speedera-Networks and Skene disclose the claimed

limitations as rejected above. Skene also discloses discovery and monitoring manager is able to

instruct said name server monitors to force their associated name servers (e.g., figure 3,

paragraph 56) to answer successive queries from local name servers undergoing said discovery

process with monitoring addresses of different application servers in alternate fashion (e.g.,

figure 3, paragraph 56).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Swildens-Speedera-Networks with the teachings of Skene

in order to facilitate answering successive queries from local name servers undergoing said

discovery process with monitoring addresses of different application servers in alternate fashion

because the successive queries would be handled for the local name servers. The handling of

addresses of different application servers would be enhanced by utilizing alternate scheme and

would enhance communicating information between the devices.

18.   As per claims 4, 16, 17, Swildens-Speedera-Networks discloses the claimed limitations as

rejected above. However, Swildens-Speedera-Networks does not specifically mention about

content of association record and measurement record.

     Skene discloses producing an association record (e.g., figure 6) comprising the following

information items; (a1) an address of a client (e.g., paragraph 50), and (a2) an address of the

local name server associated to said client (e.g., paragraph 48); given a predetermined set of

communication parameters (e.g., paragraph 62), producing a measurement record for a service

request received by an application server (e.g., paragraph 56), said measurement record

comprising the following information items (e.g., paragraph 56): (m1) an application server

address at which the request is received (e.g., paragraph 75), (m3) an address of the client having

issued the request (e.g., paragraph 73), and (m3) a list of client-to-server values of at least some

of communication parameters of said set of communication parameters (e.g., paragraph 34),

measured for communication of said client with said application server (e.g., paragraph 39);

     for a given application server and a given local name server (e.g., paragraph 39),

collecting all said measurement records related to said application server (e.g., paragraph 34) and

to said local name server using said association records (e.g., paragraph 35); for a given

application server and a given local name server (e.g., paragraph 39),, calculating aggregate

values for at least some of said communication parameters (e.g., paragraph 34), by applying

appropriate mathematical methods to client-to-server values of said parameters as taken from

said measurement records, said aggregate values characterizing said local name server with

regard to said application server (e.g., paragraph 46).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Swildens-Speedera-Networks with the teachings of Skene

in order to facilitate usage of content of association record and measurement record because the

content of records would enhance determining communicating between devices in order to

provide content to the client. The server would support providing information to the client.

19.   As per claims 5, 6, 13, 18, Swildens-Speedera-Networks and Skene disclose the claimed

limitations as rejected above. Swildens-Speedera-Networks also discloses application server

monitor measures values of communication parameters for communications between its

associated application server and requesting clients (e.g., col., 9, lines 14 – 34), and

discovery and monitoring manager also calculates aggregate values of communication

parameters characterizing local name servers with regard to application servers (e.g., col., 9,

lines 1 – 13), selects for a local name server an application server that is considered the best

application server according to some predefined criteria applied to the aggregate values (e.g.,

col., 2, lines 46 – 63), assigns to said local name server the application server selected for it (e.g.,

col., 2, lines 46 – 63), and, after performing said assignment instructs name server monitors to

force their associated authoritative name servers (e.g. col., 2, lines 30 – 34) to answer further

queries from said local name server (e.g., col., 5, lines 28 – 52) with a standard address of its

assigned application server (e.g., col., 2, lines 23 – 38).

20.   As per claims 7, 14 and 19, Swildens-Speedera-Networks and Skene disclose the claimed

limitations as rejected above. Swildens-Speedera-Networks also discloses application server

monitor continues measuring values of communication parameters for communications between

its associated application server and requesting clients associated with a given local name server

(e.g., col., 9, lines 14 – 34), even after that application server has been assigned to that local

name server (e.g., col., 9, lines 1 – 13); and

        discovery and monitoring manager continues calculating aggregate values of said

communication parameters (e.g., col., 9, lines 1 – 13), checks them against predefined tolerance

range (e.g., col., 2, lines 46 – 63), repeats said procedure of selection and assignment of the best

application server to a local name server whenever said aggregate values leave said tolerance

range for that local name server (e.g., col., 2, lines 46 – 63), and, after performing new

assignment (e.g., col., 8, lines 5 – 26), instructs name server monitors to force authoritative name

servers (e.g. col., 2, lines 30 – 34) to answer further queries from that local name server (e.g.,

col., 5, lines 28 – 52) with an address of its newly assigned application server (e.g., col., 2, lines

23 – 38).

21.   As per claims 8, 15, 20, Swildens-Speedera-Networks and Skene disclose the claimed

limitations as rejected above. Skene also discloses discovery and monitoring manager also

maintains a re-assignment time schedule for local name server (e.g., paragraph 40, figure 5),

performs a recurring procedure of selection and assignment of the best application server to that

local name server according to said time schedule (e.g., paragraph 34), and, after performing new

assignment instructs name server monitors to force name servers to answer further queries from

that local name server with a standard address of its newly assigned application server (e.g., paragraph 32, figures 5, 6 and 8).

Conclusion

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

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applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

February 28, 2006

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